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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
09 AT SEATTLE

10 UNITED STATES OF AMERICA,)
11)
12 Plaintiff,)
13)
14 v.)
15) Case No. CR05-265-RSM-JPD
16 MICHAEL WILLIAMS, KYU PYO HAN,)
17)
18)
19 and MAN SUP WOO,)
20)
21 Defendants.) DETENTION ORDER
22) Material Witness
23)
24)
25 In re Material Witness:)
26)
27 YOUNG SUNG KIM)
28)

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30 Offense charged: Material Witness

31 Date of Detention Hearing: July 21, 2005

32 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f) and
33 3144, and based upon the factual findings and statement of reasons hereafter set forth, finds that
34 detention is necessary to adequately secure the testimony of the material witness, and to prevent
35 a failure of justice.

36 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

37 (1) Mr. Kim was arrested on a material witness warrant in the matter of United States
38 v. Michael Williams, et al., CR05-0265-RSM, upon a finding that it was impracticable to secure

01 his presence by subpoena. He made his initial appearance in this Court on July 15, 2005.

02 (2) The United States has moved to detain Mr. Kim pursuant to 18 U.S.C. § 3144 for
03 a reasonable period until his deposition can be taken pursuant to the Federal Rules of Criminal
04 Procedure.

05 (3) There is an immigration detainer lodged against the witness. He has stipulated
06 to detention due to the detainer placed on the witness by the Immigration and Customs
07 Enforcement agency, but reserves the right to contest his continued detention if there is a change
08 in circumstances.

09 (4) The material witness is a native and citizen of South Korea.

10 (5) There is no information available regarding the material witness's personal
11 history, residence, family ties, or ties to the Western District of Washington, income, financial
12 assets or liabilities, physical or mental health, or controlled substance use if any.

13 (6) The material witness is viewed as a risk of nonappearance based on his unknown
14 background information and lack of information about any ties to this community or to the
15 Western District of Washington.

16 (7) The Court finds that further detention is necessary to prevent a failure of justice.
17 The material witness will be detained until his testimony can adequately be secured.

18 It is therefore ORDERED:

19 (1) The material witness shall be detained pending the taking of his testimony and
20 committed to the custody of the Attorney General for confinement in a correction
21 facility separate, to the extent practicable, from persons awaiting or serving
22 sentences or being held in custody pending appeal;

23 (2) The material witness shall be afforded reasonable opportunity for private
24 consultation with counsel;

25 (3) On order of a court of the United States or on request of an attorney for the
26 Government, the person in charge of the corrections facility in which material

01 witness is confined shall deliver the material witness to a United States Marshal
02 for the purpose of an appearance in connection with a court proceeding or for
03 providing testimony in connection with a case pending in this court; and

04 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
05 counsel for the material witness, to the United States Marshal, and to the United
06 States Pretrial Services Officer.

07 DATED this 22nd day of July, 2005.

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10 JAMES P. DONOHUE
11 United States Magistrate Judge
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